

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

**FILED**

MAR 14 2017  
Clerk, U.S. District Court  
Texas Eastern

UNITED STATES OF AMERICA,

Plaintiff,

v.

LARRY DEAN WARD,

Defendant.

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CRIMINAL ACTION NO. 3:03CR013

**REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

Now before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on March 14, 2017, to determine whether Defendant violated his supervised release. Defendant was represented by Robert Arrambide. The Government was represented by Ernest Gonzalez.

Larry Dean Ward was sentenced on May 5, 2004, before the Honorable Judge Leonard Davis of the Eastern District of Texas after pleading guilty to the offense of Conspiracy to Manufacture, Distribute or Possess with the Intent to Manufacture, Distribute or Dispense Methamphetamine, a Class A felony. This offense carried a statutory maximum imprisonment term of not more than life. The guideline imprisonment range, based on a total offense level of 35 and a criminal history category of III, was 210 to 262 months. Larry Dean Ward was subsequently sentenced to 236 months imprisonment, followed by a 5 year term of supervised release subject to the standard conditions of release, plus special conditions to include no contact in any form, with any of the co-defendants listed on the Indictment, provide the probation officers with access to any

requested financial information, participate in a program of testing and treatment for drug abuse, pay delinquent child support. On October 30, 2015, Larry Dean Ward completed his period of imprisonment and began service of the supervision term. The case was reassigned to the Honorable District Judge Amos Mazzant on April 2, 2015.

On March 1, 2017, the U.S. Probation Officer executed a Petition for Warrant or Summons for Offender Under Supervision [Dkt. 272 Sealed]. The Petition asserted that Defendant violated two (2) conditions of supervision, as follows: (1) Defendant shall not commit another federal, state, or local crime; and (2) Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.

The Petition alleges that Defendant committed the following acts: (1) On January 22, 2017, Mr. Ward was stopped by Texas State Trooper Brandon Denison for speeding. During the stop, Officer Denison found Mr. Ward to be in possession of methamphetamine. Mr. Ward was arrested for the felony offense of Possession of Controlled Substance and transported to the Franklin County Jail. He posted bond and was released. No court date has been set at this time; and (2) On June 23, 2016, Mr. Ward submitted a urine specimen that tested positive for methamphetamine and benzodiazepine. Mr. Ward admitted to using benzodiazepine but denied using methamphetamine. The urine specimen was sent to the National Lab for testing. On June 27, 2016, the lab reported Mr. Ward was positive for amphetamine and methamphetamine.

Prior to the Government putting on its case, Defendant entered a plea of true to allegation two (2) of the Petition. Having considered the Petition and the plea of true to allegation two (2), the Court finds that Defendant did violate his conditions of supervised release. Defendant waived

his right to allocate before the District Judge and his right to object to the report and recommendation of this Court.

**RECOMMENDATION**

Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant's supervised release be revoked and that he be committed to the custody of the Bureau of Prisons to be imprisoned for a term of eight (8) months, with no term of supervised release to follow.

The Court recommends that Defendant be housed in the Bureau of Prisons, North Texas facility, if appropriate.

**SIGNED this 14th day of March, 2017.**

A handwritten signature in black ink, appearing to read 'C. Nowak', is written over a horizontal line.

Christine A. Nowak  
UNITED STATES MAGISTRATE JUDGE